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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,393	09/28/2000	Klaus-Peter Maass	60,130-899	8273

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BIRMINGHAM, MI 48009

EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 21

Application Number: 09/672,393

Filing Date: 9/28/2000

Appellant(s): MAASS ET AL.

Ms. Karin Butchko
For Appellant

EXAMINER'S ANSWER

MAILED

DEC 18 2000

GROUP 3600

This is in response to the appeal brief filed 10/8/2002.

A statement identifying the real party in interest is contained in the brief.

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1-9 been canceled; claims 10-13 and 23 stand finally rejected under 102(a); and claims 14-22 and 24 stand finally rejected under 103(a).

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The summary of invention contained in the brief is correct.

The appellant's statement of the issues in the brief is correct.

Appellant's brief includes a statement that claims 11-13 and 18 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

The copy of the appealed claims contained in the Appendix to the brief is correct.

6,076,882	Szerdahelyi et al.	6-2000
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6,233,875	Carlo et al.	5-2001
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Claims 10-13 are rejected under 35 U.S.C. 102(a). This rejection is set forth in prior Office Action, Paper No. 13.

Claims 14-22 and 24 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 13.

There are no new grounds of rejection.

Response to Appellant's arguments:

- A. The Appellant argues that the present invention is "strikingly different from Szerdahelyi". The Examiner disagrees. Szerdahelyi et al. disclose a motor vehicle door (1b) having an interior sheet metal and an exterior sheeting which forms a hollow interior space therebetween, an opening (10) in the interior sheet metal, a module containing at least one functional part and a base/closing plate (30) for closing the opening (10), and an access opening (the appellant recites the "access opening 22" in Figure 1 of the current application as merely the opening formed by the sheet metal of the interior panel) formed from the interior sheet and "sized large enough to allow entry of the module".
- B. The Appellant argues that Szerdahelyi et al. fail to disclose an outer door panel which closes the openings. The Examiner disagrees. Since Szerdahelyi et al. disclose an inner and outer panel which forms a door, the outer panel when assembled does "close the opening" from an outer side of the door.
- C & D. The Appellant argues that Szerdahelyi et al. fail to close the access opening to be closed by a closing plate. The Examiner disagrees. Szerdahelyi et al. clearly shows both plate (30) which closes the access opening to the interior space and plates (5 and 6) which also closes the access opening to the interior space.

Art Unit: 3634

E. The Appellant argues that it would not be obvious to provide Szerdahelyi et al. with guide rails as taught by Carlo et al. The Examiner disagrees. It appears that the applicants arguments are more limiting than the claims. The Examiner is merely substituting one type of window operating mechanism with another and is well known in the art that all types of modules have all kinds of window operating mechanisms and it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Szerdahelyi et al. with a window operating mechanism in a form which utilizes rails as taught by Carlo et al. since all window operating mechanisms are art equivalent. The Appellant argues that the window mechanism of Carlo would "face away from the outer door panel and be located on the dry side" yet the Appellant has failed to provide such limitation in the claims. Furthermore, the Appellant argues that it "is not claiming to have invented guide rails for a vehicle door" which further supports the Examiner's position that it's obvious to substitute one type of art equivalent window operating mechanism for another.


F. The Appellant argues that the art of record fails to disclose the window lifting arrangement to be "die-cast". The Examiner's argument is that the Appellant is arguing the method of forming an article and not the article itself and therefore fails to limit the claimed subject matter.

CONCLUSION

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jerry Redman



Jerry Redman
Primary Examiner

Mr. Dan Stodola

Mr. Greg Strimbu